

FITAPELLI & SCHAFFER, LLP

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**AISHAYA CAUL, individually and on behalf of all
others similarly situated,**

Plaintiff,

-against-

**PETCO ANIMAL SUPPLIES, INC., and PETCO
ANIMAL SUPPLIES STORES, INC.,**

Defendants.

**No.: 20 Civ.
3534(RPK)(SJB)**

**DECLARATION OF BRIAN S. SCHAFFER IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO AMEND AND CERTIFY THE
COURT'S SEPTEMBER 27, 2021 ORDER FOR INTERLOCUTORY APPEAL**

I, Brian S. Schaffer, affirm under the penalties of perjury as follows:

1. I am a partner of Fitapelli & Schaffer, LLP ("Counsel" or "F&S") in New York, New York, counsel of record for Plaintiff in this matter. F&S is a well-respected and nationally recognized employment litigation firm based in New York City that represents plaintiffs in a variety of employment matters, including individual and class action litigation involving wage and hour, discrimination, and harassment claims, as well as contract and severance negotiations.
2. I am one of the lawyers primarily responsible for prosecuting Plaintiff's claims.

3. I submit this Declaration to place before the Court certain documents relied upon by Plaintiff in her opposition to Defendants' motion to amend and certify the Court's September 27, 2021 order for interlocutory appeal.

4. Attached hereto as **Exhibit A** is a true and correct copy of the oral argument transcript containing Judge Broderick's order denying defendants' motion to dismiss in *Andrews v. Rite Aid Corp.*, No. 20 Civ. 4521 (VSB) (S.D.N.Y. Mar. 11, 2021).

Dated: New York, New York
November 29, 2021

By: /s/ Brian S. Schaffer
Brian S. Schaffer

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*Attorneys for Plaintiff and
the Putative Class*